

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SONYA FIELDS, Individually and as
Guardian and Conservator for Mitchel
Avery Fields, an incapacitated person,

Plaintiff,

v.

Case No. 10-14406
Hon. Lawrence P. Zatkoff

GERARDO FIERRO, and individual, and
CHICANO'S EXPRESS, an Arizona Corporation,
jointly and severally,

Defendants.

ORDER

This matter comes before the Court on Plaintiff's motion to amend/correct notice of removal, which contains original Complaint [dkt 37]. The motion has not been fully briefed, but the parties have submitted a stipulated proposed order granting the relief requested therein. The Court finds that the facts and legal arguments are adequately presented in Plaintiff's papers such that the decision process would not be significantly aided by oral argument. Therefore, pursuant to E.D. Mich. L.R. 7.1 (f)(2), it is hereby ORDERED that the motion be resolved on the brief submitted. For the following reasons, Plaintiff's motion is DENIED.

This case involves Plaintiff's claim for damages resulting from a motor vehicle accident in which Plaintiff was injured. The Court held a scheduling conference in this matter on December 15, 2010, at which time the Court inquired into the parties' desire to add parties. Plaintiff indicated that she may want to add a party, and the Court stated that it would allow Plaintiff 30 days to do so. More than 30 days passed without Plaintiff adding a party, and the Court issued its scheduling order

on February 11, 2011. The scheduling order provided for a June 30, 2011, discovery deadline.

According to Plaintiff, on June 9, 2011, a deposition revealed that an entity not named as a party may be liable for Plaintiff's injuries. On June 17, 2011, Plaintiff filed the present motion to amend her pleadings in order to add another Defendant. The Court, however, finds Plaintiff's request untimely, as the Court would have to conduct another scheduling conference with all parties present and begin discovery anew. The Court gave Plaintiff 30 days in which to investigate her claims and determine whether she wished to add any parties. Plaintiff's failure to promptly address this issue is an insufficient basis upon which to amend her pleadings at this late stage of the proceedings. Accordingly, Plaintiff's motion to amend/correct the notice of removal [dkt 37] is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: July 7, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on July 7, 2011.

S/Marie E. Verlinde
Case Manager
(810) 984-3290